

AMENDMENT

In the Claims:

Please amend claims 10, 11, 14, 15, 25, 30, 38, and 39, without prejudice or disclaimer, as follows:

A1
10. (Amended) A test kit useful for detecting [CS141] a polynucleotide in a test sample, comprising a container containing at least one [CS141] polynucleotide [having at least 50% identity to a sequence selected from the group consisting of SEQUENCE ID NOS 1-13, and fragments or complements thereof] that comprises a polynucleotide capable of (i) selectively hybridizing to and (ii) having at least about 70% identity with a sequence selected from the group consisting of SEQUENCE ID NO 1; SEQUENCE ID NO 2; SEQUENCE ID NO 3; SEQUENCE ID NO 4; SEQUENCE ID NO 5; SEQUENCE ID NO 6; SEQUENCE ID NO 7; SEQUENCE ID NO 8; SEQUENCE ID NO 9; SEQUENCE ID NO 12; SEQUENCE ID NO 13; fragments comprising at least about 10 nucleotides of any of SEQUENCE ID NOS 1, 2, 3, 4, 5; and complements thereof.

Sub B1
11. (Amended) A purified polynucleotide that comprises a polynucleotide [or fragment thereof derived from a CS141 gene, wherein said polynucleotide is] capable of (i) selectively hybridizing to [the nucleic acid of said CS141 gene and has at least 50%] and (ii) having at least about 70% identity with a sequence selected from the group consisting of [(a) SEQUENCE ID NOS 1-9, SEQUENCE ID NO 12, SEQUENCE ID NO 13, and complements thereof, and (b) fragments of SEQUENCE ID NOS 1-9] SEQUENCE ID NO 1; SEQUENCE ID NO 2; SEQUENCE ID NO 3; SEQUENCE ID NO 4; SEQUENCE ID NO 5; SEQUENCE ID NO 6; SEQUENCE ID NO 7; SEQUENCE ID NO 8; SEQUENCE ID NO 9; SEQUENCE ID NO 12; SEQUENCE ID NO 13; fragments comprising at least about 10 nucleotides of any of SEQUENCE ID NOS 1, 2, 3, 4, 5; and complements thereof.

14. (Amended) The purified polynucleotide of claim 11, wherein said polynucleotide comprises a sequence encoding at least one [CS141] epitope.

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15. (Amended) A recombinant expression system comprising a nucleic acid sequence that includes an open reading frame [derived from CS141] operably linked to a control sequence compatible with a desired host, wherein said nucleic acid sequence [has at least 50% identity with a polynucleotide selected from the group consisting of SEQUENCE ID NOS 1-13, and fragments or complements thereof] comprises a polynucleotide capable of (i) selectively hybridizing to and (ii) having at least about 70% identity with a sequence selected from the group consisting of SEQUENCE ID NO 1; SEQUENCE ID NO 2; SEQUENCE ID NO 3; SEQUENCE ID NO 4; SEQUENCE ID NO 5; SEQUENCE ID NO 6; SEQUENCE ID NO 7; SEQUENCE ID NO 8; SEQUENCE ID NO 9; SEQUENCE ID NO 12; SEQUENCE ID NO 13; fragments comprising at least about 10 nucleotides of any of SEQUENCE ID NOS 1, 2, 3, 4, 5; and complements thereof.

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25. (Amended) A method for producing a polypeptide comprising at least one [CS141] epitope, said method comprising incubating host cells that have been transfected with an expression vector containing a polynucleotide sequence encoding a polypeptide, wherein said polypeptide comprises an amino acid sequence having at least 50% identity with an amino acid sequence selected from the group consisting of [SEQUENCE ID NO 24, SEQUENCE ID NO 25, SEQUENCE ID NO 26, SEQUENCE ID NO 27, SEQUENCE ID NO 28, and fragments thereof.] SEQUENCE ID NO 24; SEQUENCE ID NO 25; SEQUENCE ID NO 26; SEQUENCE ID NO 27; SEQUENCE ID NO 28; and fragments comprising at least about 8 amino acids of SEQUENCE ID NO 24 or SEQUENCE ID NO 25.

? 112-1st issues

A4
Sub B3

30. (Amended) A cell transfected with a nucleic acid sequence, said nucleic acid sequence comprising a polynucleotide encoding at least one [CS141] epitope, wherein said [nucleic acid sequence is selected from the group consisting of SEQUENCE ID NOS 1-13, and fragments or complements thereof] polynucleotide (i) is capable of selectively hybridizing to, and (ii) has at least about 70% identity with a sequence selected from the group consisting of SEQUENCE ID NO 1; SEQUENCE ID NO 2; SEQUENCE ID NO 3; SEQUENCE ID NO 4; SEQUENCE ID NO 5; SEQUENCE ID NO 6; SEQUENCE ID NO 7; SEQUENCE ID NO 8; SEQUENCE ID NO 9; SEQUENCE ID NO 12; SEQUENCE ID NO 13; fragments comprising at least about 10 nucleotides of any of SEQUENCE ID NOS 1, 2, 3, 4, 5; and complements thereof.

? 112-1st

38. (Amended) A [gene] purified polynucleotide, or a fragment comprising at least about 10 nucleotides thereof, which codes for a [CS141 protein] polypeptide which comprises an amino acid sequence having at least 60% identity with SEQUENCE ID NO 24 or SEQUENCE ID NO 25.

A5 sub CS

39. (Amended) A [gene] purified polynucleotide [or a fragment thereof,] comprising DNA having at least 50% identity with SEQUENCE ID NO 12 or SEQUENCE ID NO 13.

REMARKS

Introductory Comments

Claims 1-39 are pending. Claims 1-9, 17-24, 26-29, 31-34 and 36-37 are withdrawn from consideration. Claims 10-16, 25, 30, 35 and 38-39 have been rejected by the Examiner.

The Examiner has rejected claims 38 and 39 under 35 U.S.C. §101, asserting that the claims are directed to non-statutory matter.

The Examiner has rejected claims 10-16, 25, 30, 35 and 38-39 under 35 U.S.C. §112, second paragraph, asserting that the claims are indefinite for failing to particularly